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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

PETER BIVONA,

Chapter 11  
Case No. 20-

Joint Debtors.

**AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 1007-4**

STATE OF NEW YORK )  
                        )  
                        ) ss.:  
COUNTY OF NEW YORK )

PETER BIVONA, being duly sworn, deposes and says:

1. I am the debtor and debtor-in-possession herein. I am personally familiar with the facts and circumstances as recited herein.
2. On August 28, 2020 (the "Petition Date"), I filed a voluntary petition for relief under Subchapter V of Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") with this Court and an Order for Relief was entered. I reside at a home which I jointly own with my wife located at 25 Tappentown Lane, Brookville, New York 11545.
3. I am an officer, director and 10% shareholder of Metropolitan Food Corp. which operates a grocery store located at 100-27 Metropolitan Avenue, Forest Hills New York. I am employed as the Manager of the store, however I have not received any salary or other compensation for several years due to insufficient operating revenues.

4. I am also an officer, director and 100% shareholder of Harlem Market Inc. and Harlem Market NYC Inc. (collectively, "Harlem Market") which had operated a grocery store located at 2005 Third Avenue, New York, New York. That store filed a chapter 11 bankruptcy case on March 19, 2018 (Bankr. S.D.N.Y. Case No. 18-10754 (MEW)) which was converted to a chapter 7 case on November 19, 2018. The case was closed on September 12, 2019.

5. Over the course of the past several years, multiple default judgments have been entered against me on account of obligations of the two stores which I had incurred directly or which I had personally guaranteed. Most recently, a default judgment in the amount of \$3,344,760.26 was entered in favor of Associated Supermarket Group, LLC, Associated Food Stores, Inc. and AFS Capital LLC on account of my personal guaranty of Harlem Market's obligations under a grocery supply agreement and a promissory note. An action is also pending against me wherein Harlem Market's former landlord, AK Properties Group LLC, is seeking to enforce my personal guaranty of Harlem Market's obligations under its store lease which allegedly total \$651,737.61.

6. I filed for protection under the Bankruptcy Code so as to address all of my debt obligations under a Subchapter V plan of reorganization so as to obtain a "fresh start".

7. Pursuant to LBR 1007-4 (a)(vi), a list containing the names and addresses of what I believe to be my twenty largest unsecured creditors, excluding insiders, is simultaneously being filed with the Court.

8. Pursuant to LBR 1007-4 (a)(vii), all of my secured creditors are listed in my Schedule D which is simultaneously being filed with the Court.

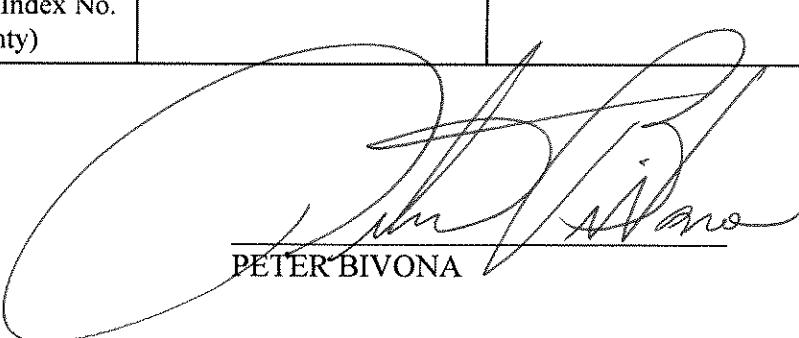
9. Pursuant to LBR 1007-4 (a)(viii), an approximate summary of my assets and liabilities are set forth in my Schedules A/B, D, and E/F which are simultaneously being filed with the Court.

10. Pursuant to LBR 1007-4(a)(x), there is no property of mine in the possession or custody of any public officer, receiver, trustee, pledgee, assignee of rents, liquidator, secured creditor, or agent of any such person.

11. Pursuant to LBR 1007-4(a)(xii), all of my assets and books and records are all located at my home.

12. Pursuant to LBR 1007-4(a)(xiii) the only pending actions or proceedings against me are as follows:

<u>Case Caption</u>	<u>Nature of Action</u>	<u>Status of Action</u>
<i>Crescent Packing Corp. v. Peter Bivona, Index No. 032007/2018 (Sup. Ct. Rockland County)</i>	Breach of Contract/Goods Sold and Delivered	Pending
<i>AK Properties Group LLC v. Peter Bivona, Index No. 161507/2018 (Sup. Ct. New York County)</i>	Enforcement of Personal Guaranty of Corporate Lease	Pending
<i>Associated Supermarket Group, LLC f/k/a Associates Food Stsores L.L.C. and AFS Capital LLC v. Peter Bivona, et al., Index No. 607410/2020 (Sup. Ct. Nassau County)</i>	Alleged Fraudulent Conveyance	Pending



PETER BIVONA

Sworn to before me this  
18 day of August, 2020

Notary Public  
My Commission expires:

DOUGLAS J. PICK  
Notary Public, State of New York  
No. C2P14758430  
Qualified in New York County ✓  
Commission Expires Feb. 26, 2023